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UNCLAS ABUJA 002758

SIPDIS

WHITE HOUSE PASS TO USTR

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SUBJECT: NIGERIA ON TRIPS, AGRICULTURE AND SERVICES

REF: STATE 178945

1. EconOff delivered reftel information on 25 October to Mr. Y.T. Agah, Assistant Director responsible for Multilateral Affairs at the Federal Ministry of Commerce. Agah raised concern over geographical indication (GI) protections for indigenous plants, especially those with medicinal value, and the use of seeds from patented bio-engineered plants.

2. The problem with GI protection, Agah argued, was that currently any person could reengineer plants deriving from a limited geographical area, patent the results and be the sole beneficiaries of that plant's benefits. This system, he averred, does not necessarily benefit the geographic zone where the product originated.

3. Regarding the use of seeds from bio-engineered crops, Agah commented that the proposed regime, unlike the previous WIPO regime, was incompatible between the needs of the patent holder and the local community. Prohibiting the use of secondary seeds for subsistence farmers, who are not commercial users or market competitors, would disadvantage developing countries' food security. Agah mentioned there was OAU model legislation on breeders and farmers rights to address developing country concerns on this issue.

4. EconOff asked whether Nigeria had completed its review for the upcoming WTO round in Doha. Agah replied in the negative, but commented that Nigeria would support removal of subsidies and other protections on agriculture and would like to see progressive liberalization of services, particularly those Nigeria scheduled, such as banking, insurance, tourism, transport, and communications. The GON might decide to add professional services to its schedule of services. Nigeria would also press for progress on natural persons, which is necessary to maintain balance within the services agreement, Agah said.
Andrews